

ESTTA Tracking number: **ESTTA349386**

Filing date: **05/25/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91194536
Party	Plaintiff Cytosport, Inc.
Correspondence Address	Peter M. de Jonge Thorpe North and Western, LLP. P.O. Box 1219 Sandy, UT 84091-1219 UNITED STATES hill@tnw.com, sisneros@tnw.com, docket@tnw.com
Submission	Motion to Suspend for Settlement Discussions
Filer's Name	Gordon K. Hill
Filer's e-mail	hill@tnw.com, sisneros@tnw.com, docket@tnw.com
Signature	/Gordon K. Hill/
Date	05/25/2010
Attachments	Mot to Suspend.pdf (3 pages)(75195 bytes)

Peter M. de Jonge
Gordon K. Hill
THORPE NORTH & WESTERN, L.L.P.
8180 South 700 East, Suite 350
Sandy, Utah 84070
Telephone: (801) 566-6633
Facsimile: (801) 566-0750

Attorneys for CytoSport, Inc.
Mark: BONE MILK
U.S. Trademark Application Serial Number 77/564,534

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

CytoSport, Inc. Opposer, v. California Physicians Supplements, Applicant.	Opposition No. 91194536
-------------------------------------------------------------------------------------------------------	-------------------------

JOINT MOTION FOR SUSPENSION

CytoSport, Inc. (hereinafter "Opposer"), and California Physicians Supplements (hereinafter "Applicant"), hereby jointly move the Board to suspend this opposition proceeding pursuant to 37 CFR §2.117(c) and TBMP §510.03(a) for 6 months.

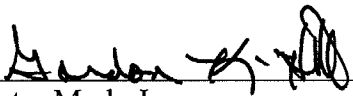
The parties have been in settlement negotiations and are working toward producing a written Settlement Agreement that will be acceptable to both parties. The parties have been negotiating a settlement based on the manner of use of the mark at issue, but certain issues

remain to be resolved. Counsel for Opposer and Applicant discussed the status of settlement negotiations and stipulated to this Joint Motion for Suspension based on the ongoing settlement negotiations in a telephone call on May 14, 2010 and again in another telephone call on May 25, 2010.

Accordingly, the parties respectfully request that the Board suspend this opposition proceeding and allow the parties time to resolve this matter.

DATED this 25th day of May, 2010.

Respectfully submitted,



Peter M. de Jonge
Gordon K. Hill
Attorneys for CytoSport

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing JOINT MOTION FOR SUSPENSION was served upon Applicant by the method(s) indicated:

Diane Keurajian
California Physicians Supplements
220 Newport Coast Drive, #11565
Newport Coast, California 92660

☐ Hand Delivery
☒ United States Mail
☐ First Class, Postage Pre-Paid
☐ Overnight Delivery
☐ Fax Transmission
☐ Electronic Mail

on this 25th day of May, 2010.

